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HOUSE BILL 532

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO THE PROCUREMENT OF PUBLIC PROPERTY; AMENDING THE
PROCUREMENT CODE TO PROVIDE THAT, UNDER CERTAIN CIRCUMSTANCES,
BIDS AND PROPOSALS MAY BE SUBMITTED ELECTRONICALLY; DECLARING
AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 13-1-28 NMSA 1978 (being Laws 1984,
Chapter 65, Section 1) is amended to read:

"13-1-28. SHORT TITLE.--Sections [~~1 through 172 of this
act]~~ 13-1-28 through 13-1-199 NMSA 1978 may be cited as the
"Procurement Code"."

Section 2. Section 13-1-95.1 NMSA 1978 (being Laws 2001,
Chapter 292, Section 7) is amended to read:

"13-1-95.1. ELECTRONIC TRANSMISSIONS.--

A. The state purchasing agent shall [~~work with the~~

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1 ~~attorney general to~~ develop guidelines for central purchasing
2 offices to use electronic media, including distribution of
3 solicitations and acceptance of sealed bids and ~~[requests for]~~
4 competitive sealed proposals that include electronic
5 signatures. The guidelines shall include:

6 [A.] (1) appropriate security to prevent
7 unauthorized access to electronically submitted bids or
8 proposals prior to the date and time set for opening of bids or
9 the deadline set for receipt for proposals, including the
10 electronic bidding, approval and award process; and

11 [B.] (2) accurate retrieval or conversion of
12 electronic forms of information into a medium that permits
13 inspection and copying.

14 B. A central purchasing office, in an invitation
15 for bids or a request for proposals, may require all or any
16 part of a sealed bid or a competitive sealed proposal to be
17 submitted electronically if the office determines that an
18 electronic submission will be advantageous to the procurement
19 process. If electronic submission is required:

20 (1) no hard copy documentation shall be
21 submitted to the central purchasing office prior to the award
22 of the contract, except as specifically identified in the
23 invitation for bids or the request for proposals;

24 (2) the invitation for bids or request for
25 proposals shall specify an opening date and time, a fixed

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1 closing date and time and an email account or other secure
2 electronic location to which the electronic bid or proposal
3 shall be submitted;

4 (3) for sealed bids, a representative of the
5 central purchasing office and a witness shall open the email
6 account or other secure electronic location immediately after
7 the closing time, record the vendors that submitted bids, the
8 date and time submitted, the bids and associated prices and
9 prepare a bid tabulation of all responsive vendors for review.
10 The bids shall then be evaluated and the contract awarded as
11 required in the invitation for bids and as otherwise provided
12 in the Procurement Code; and

13 (4) for sealed proposals, the proposals shall
14 be opened, evaluated and the contract awarded as required in
15 the request for proposals and as otherwise provided in the
16 Procurement Code."

17 Section 3. Section 13-1-103 NMSA 1978 (being Laws 1984,
18 Chapter 65, Section 76) is amended to read:

19 "13-1-103. [~~COMPETITIVE SEALED BIDS~~] INVITATION FOR
20 BIDS.--

21 A. An invitation for bids shall be issued and shall
22 include the specifications for the services, construction or
23 items of tangible personal property to be procured, all
24 contractual terms and conditions applicable to the procurement,
25 the location where bids are to be received and the date, time

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1 and place of the bid opening.

2 B. If the procurement is to be by sealed bid
3 without electronic submission, the invitation for bids shall
4 include the location where bids are to be received and the
5 date, time and place of the bid opening.

6 C. If the procurement is to be by sealed bid with
7 part or all of the bid to be submitted electronically, the
8 invitation for bids shall comply with the requirements of
9 Section 13-1-95.1 NMSA 1978."

10 Section 4. Section 13-1-107 NMSA 1978 (being Laws 1984,
11 Chapter 65, Section 80) is amended to read:

12 "13-1-107. COMPETITIVE SEALED BIDS--BID OPENING.--Bids
13 submitted electronically shall be opened as provided in Section
14 13-1-95.1 NMSA 1978; otherwise, bids shall be opened publicly
15 in the presence of one or more witnesses at the time and place
16 designated in the invitation for bids. The amount of each bid
17 and each bid item, if appropriate, and such other relevant
18 information as may be specified by the state purchasing agent
19 or a central purchasing office, together with the name of each
20 bidder, shall be recorded, and the record and each bid shall be
21 open to public inspection."

22 Section 5. Section 13-1-112 NMSA 1978 (being Laws 1984,
23 Chapter 65, Section 85, as amended) is amended to read:

24 "13-1-112. COMPETITIVE SEALED PROPOSALS--REQUEST FOR
25 PROPOSALS.--

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